



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,285	10/26/2005	Daniel E. Evanicky	Deep-7	9085
41066 7590 02/02/2009 MURABITO, HAO & BARNES, LLP TWO NORTH MARKET STREET, THIRD FLOOR SAN JOSE, CA 95113				
EXAMINER				
ALMEIDA, CORY A				
ART UNIT		PAPER NUMBER		
2629				
MAIL DATE		DELIVERY MODE		
02/02/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/519,285

Applicant(s)

EVANICKY, DANIEL E.

Examiner

CORY A. ALMEIDA

Art Unit

2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-16, 18-22, 24-29, 31-35, 37 and 38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-16, 18-22, 24-29, 31-35, 37 and 38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Final Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claims 17, 23, 30 and 36 are cancelled.

Claims 13-16, 18-22, 24-29, 31-35 and 37-38 are pending.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/09/2008 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 13-16, 18-22, 24-29, 31-35 and 37-38 are rejected under 35 U.S.C. 102(b) as being anticipated by Penz, US-4364039.

4. In regards to claim 20 and associated method claim 13, Penz discloses a multi-component display (Abstract) comprising a first display screen (Fig. 3, 31) operable to display an image in a first region of said first display screen, wherein said first region comprises an area less than the entire area of said first display screen (Col. 1, 45-50), and a second display screen (Fig. 1, 32) operable to adjust transmissivity of a second

region of said second display screen for modifying said display of said image in accordance with an image characteristic (Col. 2, 3-9), wherein said first and second display screens overlap (Fig. 3), and wherein a position of said second region of said second display screen is aligned with a position of said first region of said first display screen to selectively control an amount of light in the localized area of said first region (Col. 2, 21-26).

5. In regards to claim 21 and associated method claim 14, Penz discloses said image characteristic is selected from a group consisting of a brightness, a contrast, a color, a hue, a color temperature, and a gamma response (Col. 2, 3-9).

6. In regards to method claim 15, Penz discloses displaying said image on said first display screen (Col. 1, 45-50), and adjusting said second display screen in accordance with said transmissivity to present said portion of said image with said image characteristic (Col. 2, 3-9).

7. In regards to claim 22 and associated method claim 16, Penz disclose said first display screen is further operable to display a second image in a third region of said first display screen, wherein said third region comprises an area less than the entire area of said first display screen (Penz LCD screens can display multiple images in multiple regions and areas of the screen), wherein said second display is further operable to adjust a transmissivity of a fourth of said second display screen for modifying said second image in accordance with a second image characteristic (Col. 2, 3-9), wherein said fourth region of said second display screen corresponds to said third region of said first display screen (Col. 2, 3-9, the third and fourth image regions would line up as the

displays are stacked and the pixels overlap), wherein said image characteristic and said second image characteristic are different (the lcds are capable of displaying different images in different colors, etc...).

8. In regards to claims 24 and associated method claim 18, Penz discloses said second display screen is operable to adjust contrast of said image within said region while substantially maintaining net brightness of graphical objects presented by said first and second display screens (Col. 1, 45-50, Col. 2 3-9).

9. In regards to claim 25 and associated method claim 19, Penz discloses said first and second display screens comprise liquid crystal displays (Col. 1, 5-10).

10. In regards to claim 33 and associated method claim 26, Penz discloses a multi-component display (Abstract) comprising a first display screen (Fig. 3, 31) operable to display an image in a first region of said first display screen, wherein said first region comprises an area less than the entire area of said first display screen (Col. 1, 45-50), and a non-display screen (Fig. 1, 32) for modifying said display of said image in accordance with an image characteristic (Col. 2, 3-9), wherein said first and second display screens overlap (Fig. 3), and wherein a position of said second region of said non-display screen is aligned with a position of said first region of said first display screen to selectively control an amount of light in the localized area of said first region (Col. 2, 21-26).

11. In regards to claim 34 and associated method claim 27, Penz discloses said image characteristic is selected from a group consisting of a brightness, a contrast, a color, a hue, a color temperature, and a gamma response (Col. 2, 3-9).

12. In regards to method claim 28, Penz discloses displaying said image on said first display screen (Col. 1, 45-50), and adjusting said second display screen in accordance with said transmissivity to present said portion of said image with said image characteristic (Col. 2, 3-9).

13. In regards to claim 35 and associated method claim 29, Penz disclose said first display screen is further operable to display a second image in a third region of said first display screen, wherein said third region comprises an area less than the entire area of said first display screen (Penz LCD screens can display multiple images in multiple regions and areas of the screen), wherein said second display is further operable to adjust a transmissivity of a fourth of said second display screen for modifying said second image in accordance with a second image characteristic (Col. 2, 3-9), wherein said fourth region of said second display screen corresponds to said third region of said first display screen (Col. 2, 3-9, the third and fourth image regions would line up as the displays are stacked and the pixels overlap), wherein said image characteristic and said second image characteristic are different (the lcds are capable of displaying different images in different colors, etc...).

14. In regards to claim 37 and associated method claim 31, Penz discloses said second display screen is operable to adjust contrast of said image within said region while substantially maintaining net brightness of graphical objects presented by said first and second display screens (Col. 1, 45-50, Col. 2 3-9).

15. In regards to claim 38 and associated method claim 32, Penz discloses said first and second display screens comprise liquid crystal displays (Col. 1, 5-10).

Response to Arguments

16. Applicant's arguments with respect to claims 13-16, 18-22, 24-29, 31-35 and 37-38 have been considered but are moot in view of the new ground(s) of rejection as presented above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CORY A. ALMEIDA whose telephone number is (571) 270-3143. The examiner can normally be reached on Monday through Friday 8AM to 4PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached on 571-272-7681. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/519,285

Page 7

Art Unit: 2629

Supervisory Patent Examiner, Art Unit 2629

1/27/2008